APPENDIX A

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

Argued April 8, 1982
July 27, 1982

Before
Hon. Walter J. Cummings, Circuit Judge
Hon. Richard A. Posner, Circuit Judge
Hon. Robert A. Grant, Senior District Judge*

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Nos. 81-2006 vs.
81-2007

LARRY TABELING and SAMUEL F. JONES,
Defendants-Appellants.

Appeal from the United States District Court for the Central District of Illinois, Danville Division.
No. 80-Cr-20041
Harold A. Baker, *Judge*.

ORDER

This is an appeal by Larry Tabeling and Samuel F. Jones from their convictions on separate counts of conspiring to distribute marijuana and conspiring to distribute cocaine, in violation of 21 U.S.C. § 846. No statement of

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* Honorable Robert A. Grant, Senior District Judge of the Northern District of Indiana, sitting by designation.

facts is necessary, as this is not a published or citable opinion and the facts are of course well known to the defendants and their counsel. As in all appeals in conspiracy cases, there is an objection to the trial judge's refusal to sever the defendants' trials, but it is frivolous, as are their objection to the refusal of the judge to give a multiple-conspiracy objection and their argument that there was insufficient evidence that what the defendants was selling really was marijuana and cocaine.

Only three issues need be discussed:

1. Tabeling claims that he was unlawfully searched and seized at the Denver airport. This contention is refuted by this court's opinion in *United States* v. *Black*, No. 81-1883 (7th Cir. Apr. 6, 1982), — F.2d —.

2. Jones complains that there was insufficient evidence that he participated in the conspiracy to sell marijuana. The evidence showed that he and Tabeling were partners in a store called *The Plant Connection* from which marijuana was sold. It is of course possible that Jones was involved only in the legitimate side of the business, but it is highly unlikely given that bales of marijuana were stored at the shop; and there was other evidence, besides the probabilities inherent in the situation, linking Jones to the marijuana conspiracy (there was abundant evidence linking him to the cocaine conspiracy)—enough to satisfy the government's burden of proving guilt beyond a reasonable doubt.

3. The defendants complain that one Angela Blair was compelled to testify against them in violation of her right under the Fifth Amendment not to be compelled to incriminate herself. But no right of theirs was violated; only Miss Blair can complain of being forced to testify against herself.

The judgments of conviction are affirmed.

APPENDIX B

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

September 27, 1982

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

No. 81-2007 vs.

SAMUEL F. JONES,

Defendant-Appellant.

Appeal from the United States District Court for the Central District of Illinois, Danville Division.

ORDER

It is Ordered that the Petition for Rehearing and Suggestion for Rehearing in Banc is hereby Denied.